No. 200500327

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

North Carolina Agricultural Research Service

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE , OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. IN THE UNITED STATES SEED OF THIS VARIETY (1) MAY BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF GENERATIONS SPECIFIED BY THE OWNER OF THE RIGHTS. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

OAT

'SS 76-40'

In Testimony Whereof, *I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this seventh day of August, in the year two thousand and six.*

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture

REPRODUCE LOCALLY. *Include form number and date on all reproductions*

Form Approved - OMB No. 0581-0055

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER
North Carolina Agricultural Research Service

2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME
NC97-8885

3. VARIETY NAME
SS 76-40

4. ADDRESS *(Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)*
Box 7643, N. C. State University, Raleigh, NC 27695-7643

5. TELEPHONE *(include area code)*
(919) 515-2718

6. FAX *(include area code)*
(919) 515-7745

FOR OFFICIAL USE ONLY

PVPO NUMBER
20500327

FILING DATE
August 16, 2005

7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION *(corporation, partnership, association, etc.)*
State Government Agency

8. IF INCORPORATED, GIVE STATE OF INCORPORATION

9. DATE OF INCORPORATION

10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. *(First person listed will receive all papers)*
Dr. Paul Murphy
Department of Crop Science, Box 7629
N. C. State University
Raleigh, NC 27695-7629.

FEES RECEIVED

FILING AND EXAMINATION FEES:
$ 3652.00
DATE 8/16/2005

CERTIFICATION FEE:
$ 768.00
DATE 7/18/06

11. TELEPHONE *(Include area code)*
(919) 513-0000

12. FAX *(Include area code)*
(919) 515-5657

13. E-MAIL
paul_murphy@ncsu.edu

14. CROP KIND *(Common Name)*
Winter Oat

16. FAMILY NAME *(Botanical)*
Poaceae

15. GENUS AND SPECIES NAME OF CROP
Avena sativa

17. IS THE VARIETY A FIRST GENERATION HYBRID?
☐ YES ☑ NO

18. DOES THE VARIETY CONTAIN ANY TRANSGENES? *(OPTIONAL)*
☐ YES ☑ NO
IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERICALIZATION. _____

19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED
(Follow instructions on reverse)

a. ☑ Exhibit A. Origin and Breeding History of the Variety
b. ☑ Exhibit B. Statement of Distinctness
c. ☑ Exhibit C. Objective Description of Variety
d. ☐ Exhibit D. Additional Description of the Variety *(Optional)*
e. ☑ Exhibit E. Statement of the Basis of the Owner's Ownership
f. ☑ Voucher Sample *(2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository)*
g. ☑ Filing and Examination Fee ($3,652), made payable to "Treasurer of the United States" *(Mail to the Plant Variety Protection Office)*

20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? *(See Section 83(a) of the Plant Variety Protection Act)*
☑ YES *(If "yes", answer items 21 and 22 below)* ☐ NO *(If "no", go to item 23)*

21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES?
☑ YES ☐ NO
IF YES, WHICH CLASSES? ☑ FOUNDATION ☐ REGISTERED ☑ CERTIFIED

22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?
☐ YES ☑ NO
IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS.
FOUNDATION REGISTERED CERTIFIED
(If additional explanation is necessary, please use the space indicated on the reverse.)

23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES?
☐ YES ☑ NO
IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. *(Please use space indicated on reverse.)*

24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT *(PLANT BREEDER'S RIGHT OR PATENT)*?
☐ YES ☑ NO
IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. *(Please use space indicated on reverse.)*

25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF OWNER		SIGNATURE OF OWNER	
J. Paul Murphy			
NAME *(Please print or type)*		NAME *(Please print or type)*	
J. PAUL MURPHY			
CAPACITY OR TITLE	DATE	CAPACITY OR TITLE	DATE
Prof. Crop Science	May 3 2005		

(See reverse for instructions and information collection burden statement)

ST-470 (04-03) designed by the Plant Variety Protection Office using Word 2002.

INSTRUCTIONS

200500327

GENERAL: To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be **received** in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E; (3) for a seed reproduced variety at least 2,500 viable untreated seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to **reproduce** the variety, or for tuber reproduced varieties verification that a viable *(in the sense that it will reproduce an entire plant)* tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for $3,652 ($432 filing fee and $3,220 examination fee), payable to "Treasurer of the United States" *(See Section 97.6 of the Regulations and Rules of Practice.)* Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfiled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of $432 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

Plant Variety Protection Office
Telephone: (301) 504-5518
FAX: (301) 504-5291
Homepage: http://www.ams.usda.gov/science/pvpo/pvpindex.htm

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and provide evidence that name has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: Seed Branch, AMS, USDA, 10301 Baltimore Avenue, Suite 401 NAL Building, Beltsville, MD 20705. Telephone: (301) 504-5682 http://www.ams.usda.gov/lsg/seed.htm.

ITEM

19a. Give:
(1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
(2) the details of subsequent stages of selection and multiplication;
(3) evidence of uniformity and stability; and
(4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified

19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:

(1) identify these varieties and state all differences objectively;
(2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and
(3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.

19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.

19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, *etc.*

19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.

20. If "Yes" is specified *(seed of this variety be sold by variety name only, as a class of certified seed)*, the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. *(See Regulations and Rules of Practice, Section 97.103).*

23. *See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.*

24. *See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.*

22. CONTINUED FROM FRONT *(Please provide a statement as to the limitation and sequence of generations that may be certified.)*

23. CONTINUED FROM FRONT *(Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)*

24. CONTINUED FROM FRONT *(Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)*

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. *(See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)*

ST-470 (04-03) designed by the Plant Variety Protection Office using Word 2002.

Exhibit A.
Origin and Breeding History
SS 76-40 Oat

Pedigree:

SS 76-40, formally designated NC97-8885, was selected from a broad based population containing approximately 75% winter and 25% spring oat germplasm. Two spring oat lines, J755-1 and J773-1 with high groat protein percentage, were obtained from Dr. K. J. Frey, Iowa State University. These spring oats were advanced cycle lines from a recurrent selection program to increase groat protein percentage (Moser and Frey, Euphytica 78:123-132, 1994). To develop the broad based population, both spring lines were crossed to, and the resulting F_1 hybrids backcrossed to the winter oat breeding lines 'NC85-153', 'NC81-263p', 'NC88-1756' or the cultivar 'Brooks'. BC_1F_2 seed from the crosses were bulked together prior to generation advance.

Brooks (CIav 9260) (PVP Number 7900090) is a winter oat cultivar released by the N.C. Agricultural Research Service in 1978 (Murphy. Crop Sci 19:295, 1979). The pedigree of Brooks is Carolee / Fulgrain /6/ Fulgrain /5/ CI 5106 // Hajira / Joanette /4/ Atlantic / Clinton / Santa Fe /3/ CI 2455. Besides excellent yield and test weight, Brooks had high groat protein content.

NC88-1756 is a winter oat breeding line with the pedigree Coker 80-33 / NC81-376. It is a sib of the cultivar 'Rodgers' (PI 593020) (Murphy et al. Crop Sci. 37:1017 1997). It exhibited high yield and test weight, but was never released as a variety.

NC85-153 and NC81-263p were winter oat breeding lines of unknown pedigrees. Netvertheless the 'p' designation in NC81-263p indicates that it had high groat protein. Neither was released as a variety.

Selection and Multiplication:

SS 76-40 was developed using a combination of the mass selection and pedigree breeding methods. The bulk of BC_1F_2 seed were planted in a single 11.1 m^2 plot at the Central Crops Research Station, Clayton, North Carolina in fall 1993. The plot contained approximately 1700 seeds. In June 1994, 75 panicles were selected from the population based on desired plant height, large panicle size, and a white or yellow color. Selected panicles were threshed separately and $F_{2:3}$ panicle-rows were planted at Clayton in the 1994-95 season. Selection in head-rows was based on winter survival, time of head emergence, plant height, straw strength and overall plant vigor. This protocol was repeated during the 1995-96 season on $F_{3:4}$ panicle-rows and during the 1996-97 season on $F_{4:5}$ panicle rows. A single $F_{4:5}$ panicle-row, designated NC97-8885, was harvested.

Observed Characters:

SS 76-40 was evaluated in a non-replicated observation nursery in the 1997-98 season and replicated multilocation trials during the 1998-99 through 2003-04 seasons. Seven location-years of data from the North Carolina Official Oat Variety Test grown in the 2001-02, 2002-03, and 2003-04 seasons indicated SS 76-40 had a significantly greater test weight than Brooks (Table 1). SS 76-40, Rodgers and Brooks had similar grain

yields and heading dates. SS 76-40 had significantly shorter plant height than Brooks and significantly less lodging than either Brooks or Rodgers. Six location-years of data from the small grains breeding program collected over five seasons indicated that SS 76-40, Rodgers and Brooks had similar grain yields (Table 2). SS 76-40 had a superior test weight, less lodging, more tolerance to freezing temperatures and BYDV in comparisons with Brooks. SS 76-40 was superior to Rodgers for groat protein content. SS 76-40 was entered in the USDA-ARS coordinated Uniform Winter Oat Yield Nursery during the 2000-01 and 2001-02 seasons. Based on data from 11 locations collected in nine states in 2000-01, SS 76-40 was the fourth highest yielding entry overall and displayed good test weight and lodging scores (Table 3). Based on data from 12 locations in 2001-02, SS 76-40 was the sixth highest yielding entry overall (Table 4). It was susceptible to crown rust (caused.by *Puccinia coronata* Cda. f. sp. *avenae* Eriksson) in the Gulf Coast states. Two-year means (2002-03 and 2003-04 seasons) from Midville (Table 5) and Griffin (Table 6), GA indicated that SS 76-40 did not differ significantly in yield from the highest yielding cultivar in the Georgia official state evaluations. SS 76-40 was entered in the USDA-ARS coordinated Uniform Oat Winterhardiness Nursery during the 2000-01 and 2001-02 seasons. Based on data from 10 locations in 2000-01 (Table 7), and 12 locations in 2001-02,(Table 8), SS 76-40 had a similar winter survival rating as the winter hardy check entries 'Norline' and 'Wintok'.

Multiplication, Purification and Variants:

Thirty-six $F_{8:9}$ panicle selections were grown during the 2000-01 season and a single uniform panicle-row that was true-to-type was harvested to produce breeder seed. This material underwent seed increase during the 2001-02 and 2002-03 seasons. Approximately 55 lbs of $F_{8:11}$ seed was planted in fall 2003. Following harvest and seed conditioning in summer 2004, a total of 2,994 lbs of $F_{8:12}$ seed was transferred to the North Carolina Foundation Seed Producers Inc. Although SS 76-40 has remained uniform and stable in composition since 2001, the Breeders seed increase fields in 2002 and 2003 contained up to 0.25% plants 10-15cm taller than SS 76-40 and up to 0.1% plants with awned spiklets.

Table 1. Performance of SS 76-40 and Check Cultivars in the NC Official Variety Testing Program in the 2002, 2003, 2004 Seasons

	Grain Yield bu/ac	Test Weight lb/bu	Heading Date April	Plant Height in	Lodging %
No. Locations	(7)	(7)	(3)	(4)	(4)
SS 76-40	136.4	35.7	22	38.8	36
Rodgers	134.6	35.6	21	42.5	58
Brooks	124.6	34.0	21	41.0	66
LSD (0.05)	ns	1.4	ns	3.4	20.4
CV %	7.9	3.3	3.3	4.6	21.5

Data collected in Rowan, Lenoir Washington and Bertie counties North Carolina.

Table 2. Mean Performance of SS 76-40 and Check Cultivars in Small Grains Breeding Program Evaluations during Five Seasons (1999 - 2003)

	Grain Yield bu/ac	Test Weight lb/bu	Heading Date April	Plant Height in	Lodging %	Freeze Damage %	BYDV (0-9)	Groat Protein %
No. Locations	(6)	(6)	(5)	(5)	(5)	(3)	(3)	(4)
SS 76-40	143.0	35.3	20	40.4	23	23.3	2.3	19.1
Rodgers	140.8	34.0	20	44.0	47	35.0	3.5	17.0
Brooks	143.8	33.9	20	43.1	67	45.0	4.5	18.0
LSD (0.05)	ns	1.4	ns	ns	33	13.9	1.3	1.9
CV %	11.9	4.6	1.3	3.0	13.5	23.5	28.9	4.6

Data collected in Rowan County in 1999 and 2001 and Lenoir County in 2000, 2001, 2002 and 2003.

Table 3. Averages Over All Stations for Indicated Characters (Unif. Oat Nur. 2000-1)

ENT NO.	SELECTION OR VARIETY	Yield Rank	Yield (bu/A)	Test Wt. (lb/bu)	Head Date (Julian)	Height (inches)	Lodging (0-9)	Crown Rust (%)	Winter Kill (%)
1	Brooks(ck)	15	93.1	30.5	109	41.8	4.3	29.3	44.2
2	Florida_501(ck)	18	88.2	33.4	105	38.3	6.1	0.5	65.8
3	Harrison(ck)	2	109.8	34.4	110	42.1	2.0	1.3	14.1
4	Rodgers(ck)	8	101.0	31.2	110	42.4	2.5	2.5	19.1
5	TAMO 397(ck)	11	96.4	32.2	107	40.8	1.3	0.0	28.4
6	FLX474-1-B2-8-W1	9	99.5	36.4	106	39.0	3.6	0.0	11.6
7	NC97-8349	5	101.9	30.1	110	37.5	3.1	22.8	45.0
8	NC97-8885	4	102.9	32.6	111	39.5	2.0	2.8	15.9
9	NC97-8972N	19	72.4	39.7	109	38.7	3.2	36.0	45.8
10	TX96D070	13	95.4	29.2	102	29.5	1.8	2.0	30.0
11	TX98D666	12	95.6	34.9	106	40.3	5.5	0.0	27.5
12	TX96D093	3	103.4	32.9	113	38.7	3.4	0.8	20.0
13	SC910337	16	92.1	35.9	111	39.1	4.4	0.0	24.1
14	SC961246	1	110.6	31.8	111	35.5	1.6	2.5	40.0
15	SC941348	7	101.6	33.2	108	41.2	3.0	3.5	16.6
16	LA 9339E45	6	101.8	33.2	113	41.0	3.1	0.0	25.9
17	LA924E219-1	14	93.4	32.1	110	37.5	2.6	0.0	10.9
18	LA9310E159-2	10	97.2	33.6	110	41.6	3.7	0.0	42.5
19	LA90151C121-3-1-3-2-1	17	91.8	31.9	112	35.5	1.9	1.0	18.4
	Average		97.3	33.1	109	39.0	3.1	5.5	28.7
	LSD(0.05)		12.4	1.5	ns#	2	1.8	ns#	ns#
	CV%		15.2	5.2	8.4	6.3	55.8	233.5	54.8
	No. Locations		11	11	9	10	7	2	2

ns:not significant

Table 4. Averages Over All Stations for Indicated Characters (Unif. Oat Nur. 2001-02)

ENT NO.	SELECTION OR VARIETY	Yield Rank	Yield (bu/A)	Test Wt. (lb/bu)	Head Date (Julian)	Height (inches)	Lodging (0-9)	Crown Rust (%)	BYDV (0-9)	Freeze Damage (0-9)
1	Harrison(ck)	7	88.6	31.9	103	43.2	4.5	53.5	4.0	2.4
2	Rodgers(ck)	12	81.1	30.1	104	41.8	4.9	72.5	4.0	4.5
3	TAMO 397(ck)	27	71.6	29.7	104	41.9	3.2	0.0	3.7	5.0
4	FLX474-1-B2-8-W1	13	79.6	33.2	102	37.7	4.6	2.5	5.0	4.8
5	FL9708-P37	1	97.2	32.7	104	37.2	3.4	0.0	4.0	4.5
6	FL9708-P58	24	74.9	32.0	104	37.1	3.9	1.5	4.3	3.6
7	FL9704-P25	22	75.6	32.9	103	40.5	5.0	35.5	4.7	3.5
8	FL9704-P44	16	78.8	31.3	103	39.2	4.2	32.0	4.7	2.9
9	FLX512-1-B3	28	70.0	28.4	108	25.5	4.5	8.0	4.7	4.3
10	FL920HR26,782-w1-G2	26	71.9	29.4	105	39.0	2.9	2.5	5.3	4.9
11	NC97-8885	6	89.8	30.1	104	38.3	3.4	59.5	3.7	4.5
12	NC97-8972N	30	53.1	37.0	105	38.7	4.4	93.0	5.0	5.0
13	TX00D176	25	73.2	30.6	102	41.4	4.8	0.0	4.7	3.8
14	TX98D666	9	84.0	33.2	102	40.0	4.6	0.0	4.7	3.8
15	TX96D093	3	91.3	31.8	104	38.2	2.8	18.5	4.3	3.4
16	TX00D324	19	77.6	31.3	108	36.6	2.9	10.5	4.0	3.6
17	TAMO"Shorty"	18	78.0	25.1	106	30.5	2.0	0.0	6.0	3.1
18	BAB2923"TAMO2002"	21	76.8	31.3	103	39.6	3.6	14.0	4.7	4.5
19	SC961246	2	93.8	29.3	105	35.6	3.4	71.5	3.0	2.8
20	SC941348	11	81.4	30.4	103	40.8	4.4	73.5	3.7	3.6
21	LA9533D36-6	14	79.1	31.3	107	39.2	2.3	0.0	3.7	5.3
22	LA9535D118-4	8	86.6	31.5	106	42.7	3.6	0.0	3.3	4.0
23	LA966BIB-151-1	5	90.1	30.9	105	41.2	2.2	0.0	4.7	2.6
24	LA9533D36-5	15	79.1	31.2	106	38.5	2.4	0.0	3.3	4.8
25	LA966BIB77	23	75.1	29.3	105	38.3	3.0	0.0	4.7	5.6
26	AR0289-9	20	77.6	31.4	94	43.1	4.6	63.0	4.3	4.0
27	AR0258-4	17	78.5	32.9	107	36.6	2.4	52.0	4.7	2.0
28	AR0213-12	10	83.2	29.2	107	35.1	3.3	53.5	3.7	2.0
29	AR0258-7	4	90.4	32.0	104	34.0	3.8	48.0	4.0	2.6
30	AR0292-3	29	64.6	30.6	107	37.1	3.6	88.0	5.0	2.3
	Average		79.8	31.1	104	38.3	3.6	28.4	4.3	4.0
	LSD(0.05)		12.1	2.2	4.8	2.5	1.6	24.0	ns*	1.8
	CV%		18.9	8.0	5.2	7.5	41.9	41.3	26.9	31.3
	No. Locations		12	10	10	10	8	2	3	4

*ns: non-significant

Table 5

Midville, Georgia:
Oat Grain Performance, 2003-2004

Brand-Variety	Yield[1] 3-Year Average	Yield[1] 2-Year Average	2004 Data Rank	Yield[1]	Test Wt	Ht	Lodg.	Winter Survival	Head Date
	---- bu/acre ----			bu/acre	lb/bu	in	%	%	mo/day
Secretariat	**90.3**	**91.4**	7	**114.6**	33.8	29	0	100	04/12
Horizon 321	**83.3**	**83.1**	15	105.5	38.6	25	0	100	04/13
Harrison	**82.3**	**86.9**	3	**120.1**	39.2	32	0	100	04/10
Rodgers	**81.2**	**85.8**	13	105.8	35.1	32	0	100	04/10
Plot Spike LA9339	**80.1**	**83.0**	16	104.6	35.5	32	0	100	04/14
Chapman	**76.5**	**84.4**	5	**117.1**	33.6	23	0	100	04/10
C 227	**75.6**	**82.0**	8	**111.5**	33.0	32	0	100	04/07
Horizon 314	**73.7**	**88.2**	4	**118.9**	36.6	30	0	100	04/14
Horizon 474	**72.1**	**65.0**	12	105.9	38.3	27	0	100	04/08
NC97-8885	.	**91.0**	1	**122.2**	38.3	28	0	100	04/13
TX01CSRH Sel 1	.	**84.6**	9	**109.6**	38.3	28	0	100	04/11
Florida 501	.	**81.2**	2	**121.8**	38.7	32	0	100	04/07
NK-Coker 820	.	.	6	**115.1**	40.0	30	0	100	04/06
Walken	.	.	10	107.9	27.8	36	0	100	04/17
LA9810SBS-58	.	.	11	107.1	36.4	31	0	100	04/12
AR0213-3	.	.	14	105.7	34.1	24	0	100	04/15
LA989SBS-49-B-S1	.	.	17	104.5	36.2	30	0	100	04/14
LA966BSB119-1	.	.	18	100.1	29.8	31	0	100	04/10
LA98002SBS-26-B-S1	.	.	19	99.0	35.6	33	0	100	04/12
LA976GBS-22-B-S2	.	.	20	96.2	37.3	29	0	100	04/09
AR0258-7	.	.	21	95.0	30.4	27	0	100	04/13
Average	79.4	83.9		108.9[2]	35.5	29	0	100	04/11
LSD at 10% Level	N.S.[3]	N.S.		13.0	5.5	4	-	-	02
Std. Err. of Entry Mean	5.3	4.0		5.5	2.3	2	-	-	01

1. Yields calculated as 32 pounds per bushel at 12.5% moisture.
2. C.V. = 10.1%, and df for EMS = 60.
3. The F-test indicated no statistical difference at the alpha = 0.10 probability level; therefore, a LSD value was not calculated.

Bolding indicates entries yielding equal to highest yielding entry within a column based on Fisher's protected LSD (P = 0.10).

Planted: November 20, 2003.
Harvested: June 3, 2004.
Seeding Rate: 11 seeds per foot in 7" rows.
Soil Type: Dothan loamy sand.
Soil Test: P = Medium, K = Medium, and pH = 6.0.
Fertilization: Preplant: 25 lb N, 50 lb P_2O_5, and 75 lb K_2O/acre.
Topdress: 80 lb N/acre.
Management: Chisel plowed and rototilled.
Previous Crop: Cotton.

Test conducted by A. E. Coy, M. D. Pippin, R. Burton, and R. Brooke.

Table 6

Griffin, Georgia:
Oat Grain Performance, 2003-2004

Brand-Variety	Yield[1] 3-Year Average	Yield[1] 2-Year Average	2004 Data Rank	Yield[1]	Test Wt	Ht	Lodg.	Winter Survival	Head Date
	---- bu/acre ----			bu/acre	lb/bu	in	%	%	mo/day
Plot Spike LA9339	**82.4**	**95.1**	1	**76.7**	32.8	35	0	100	04/23
Rodgers	**80.0**	**90.1**	3	**71.8**	31.3	37	0	100	04/15
Horizon 474	**74.0**	80.9	6	57.5	31.2	33	0	100	04/10
Horizon 314	**72.4**	80.4	16	40.8	29.5	35	0	100	04/22
Horizon 321	**69.8**	**86.9**	8	52.0	30.3	31	0	100	04/14
Harrison	**68.4**	79.9	7	53.1	32.3	37	0	100	04/14
Secretariat	**67.3**	71.7	15	42.7	30.5	32	0	100	04/13
Chapman	**66.0**	73.9	14	42.9	27.2	28	0	100	04/13
C 227	**60.7**	65.2	12	47.0	30.4	34	0	100	04/13
NC97-8885	.	**90.9**	2	**74.7**	33.2	31	0	100	04/15
TX01CSRH Sel 1	.	68.8	17	40.4	29.7	31	0	100	04/12
Florida 501	.	53.3	21	31.9	28.2	29	0	100	04/09
LA9810SBS-58	.	.	4	60.1	33.6	36	0	100	04/18
AR0258-7	.	.	5	60.1	30.4	27	0	100	04/20
AR0213-3	.	.	9	47.6	30.8	27	0	100	04/23
LA98002SBS-26-B-S1	.	.	10	47.5	30.7	32	0	100	04/19
Walken	.	.	11	47.2	29.1	37	0	100	05/04
LA966BSB119-1	.	.	13	45.1	30.1	33	0	100	04/21
LA976GBS-22-B-S2	.	.	18	40.2	31.8	32	0	100	04/20
NK-Coker 820	.	.	19	36.3	29.8	33	0	100	04/09
LA989SBS-49-B-S1	.	.	20	34.4	32.0	32	0	100	04/23
Average	71.2	78.1		50.0[2]	30.7	32	0	100	04/17
LSD at 10% Level	N.S.[3]	9.7		9.6	1.8	4	-	-	02
Std. Err. of Entry Mean	3.3	4.1		4.1	0.8	2	-	-	01

1. Yields calculated as 32 pounds per bushel at 12.5% moisture.
2. C.V. = 16.3%, and df for EMS = 60.
3. The F-test indicated no statistical difference at the alpha = 0.10 probability level; therefore, a LSD value was not calculated.

Bolding indicates entries yielding equal to highest yielding entry within a column based on Fisher's protected LSD (P = 0.10).

Planted: October 15, 2003.
Harvested: May 26, 2004.
Seeding Rate: 11 seeds per foot in 7" rows.
Soil Type: Cecil sandy clay loam.
Soil Test: P = High, K = High, and pH = 6.4.
Fertilization: Preplant: 28 lb N, 56 lb P_2O_5, and 84 lb K_2O/acre.
Topdress: 70 lb N/acre.
Management: Chisel plowed, disked, and rototilled; Harmony Extra used for weed control.
Previous Crop: Soybean.

Test conducted by P. A. Rose.

Table 7

Winter Oat Survival Data Summary at Various Stations (sorted by rank)

(Uniform Winterhardiness Nursery, 2000-01)

Ent. No.	Entry	Ranked Means	Means (across loc)	Kromeriz Czech Rep	Petkus Germany	Martnvasr Hungary	Manhattan Kansas	Lithuania	Waynesville NC	Radzikow Poland	Knoxville TN	Prosper TX	Blacksburg VA
2	Norline (ck)	1	63.6	54.4	80.0	91.8	55.0	0.0	75.0	34.5	50.0	95.0	100.0
4	Wintok (ck)	2	62.5	52.3	80.0	88.7	60.0	0.0	87.5	46.5	15.0	100.0	95.0
11	TX 98D208	3	57.4	59.8	75.0	89.7	15.0	0.9	75.0	45.5	17.5	100.0	Est=96.1@
9	TX00D185	4	56.1	64.7	80.0	97.5	35.0	0.9	22.5	57.5	3.0	100.0	100.0
6	NC 97-8885	5	56.0	58.7	70.0	87.4	25.0	0.0	82.5	29.0	7.5	100.0	100.0
13	LPWH 992210	6	55.9	62.6	75.0	91.0	0.0	1.1	77.5	52.0	0.0	100.0	100.0
18	SC941348	7	55.8	37.7	75.0	97.4	30.0	2.0	40.0	43.5	37.5	97.5	97.5
16	SC910337	8	55.7	46.9	70.0	90.9	25.0	0.0	75.0	37.0	17.5	100.0	95.0
10	TX00D430	9	54.8	52.4	65.0	67.7	12.5	1.2	80.0	37.0	37.5	95.0	100.0
12	Wistar	10	53.2	67.9	75.0	81.2	7.5	3.8	45.0	47.0	7.5	100.0	97.5
5	NC 97-8349	11	51.3	74.4	65.0	80.5	0.0	2.2	65.0	27.5	5.5	95.0	97.5
3	Winter Turf (ck)	12	50.7	67.0	80.0	84.2	2.5	3.9	50.0	21.5	0.0	97.5	100.0
8	TX98D662	13	50.2	62.0	70.0	87.2	0.0	0.0	45.0	35.5	5.0	97.5	100.0
14	LPWH 992183	14	48.2	41.3	70.0	83.4	0.0	1.3	44.0	33.0	10.0	100.0	98.5
15	LPS 22117	15	44.3	26.7	75.0	71.3	0.0	3.0	50.0	21.0	0.5	100.0	95.0
17	SC961246	16	44.3	45.6	70.0	84.9	0.0	1.5	22.5	30.5	12.5	95.0	80.0
1	Fulghum (ck)	17	34.4	28.1	55.0	67.6	5.0	0.0	3.0	3.0	0.0	92.5	90.0
7	NC 97-8972N	18	33.4	26.0	60.0	64.3	0.0	0.0	5.0	10.5	1.0	95.0	72.5
	Location Averages		51.7	51.6	71.7	83.7	15.1	1.2	52.5	34.0	12.6	97.8	95.3
	LSD		10.5	10.8	9.6	10.6	ns*	ns*	ns*	21.2	19.7	ns*	11.2
	CV(%)		26.8	9.9	6.4	6.0	150.3	183.4	62.7	29.6	73.7	3.0	5.6

@ Estimated value.
*ns: Not significant.

3

2005 02 27

Table 8

Winter Oat Survival Data Summary (%) at Various Stations (sorted by rank)

(Uniform Oat Winterhardiness Nursery, 2001-02)

Ent. No.	Entry	Ranked Means	Means (across loc)	Faytvil AR	Kromeriz Czech Rep	Petkus Germany	Martnvasr Hungary	Manhtan KS	Lithuania	Radzkow Poland	Knxvil TN	Bshland TX	Esksehr Turkey	Blksbrg VA	Abrstwyth Wales
4	Wintok (ck)	1	81.4	97.5	100.0	75.0	98.6	17.5	91.2	100.0	100.0	90.0	10.0	100.0	96.9
2	Norline (ck)	2	76.0	100.0	100.0	65.0	90.7	7.5	80.0	97.5	95.0	77.5	5.0	100.0	93.4
5	NC 97-8885	3	74.5	97.5	97.3	80.0	100.0	0.5	26.3	99.0	95.0	97.5	5.0	100.0	95.7
10	LPWH 992213	4	67.5	92.5	75.0	70.0	84.2	0.0	8.8	93.5	95.0	92.5	20.0	100.0	78.9
11	95-43Cn 4	5	62.9	97.5	96.0	70.0	79.3	0.0	Est=29.8@	90.5	85.0	42.5	5.0	67.5	91.2
12	95-43Cn 5	6	62.2	92.5	89.8	70.0	78.7	0.0	Est=29.5@	89.0	80.0	30.0	10.0	100.0	76.9
8	LPWH 992209	7	62.1	87.5	82.1	75.0	74.2	0.0	6.3	85.5	90.0	45.0	20.0	92.5	87.5
9	LPWH 992212	8	61.4	90.0	99.0	60.0	73.8	0.0	7.5	93.5	87.5	25.0	15.0	100.0	85.9
7	Wistar	9	59.0	92.5	66.8	60.0	72.5	0.0	49.5	64.5	95.0	40.0	0.0	100.0	67.2
3	Winter Turf (ck)	10	58.6	97.5	52.7	65.0	78.4	0.0	25.0	93.5	95.0	32.5	0.0	92.5	70.5
6	NC 97-8972N	11	57.3	97.5	37.7	55.0	84.6	0.0	10.0	94.0	95.0	12.5	10.0	100.0	91.4
1	Fulghum (ck)	12	48.9	80.0	24.7	30.0	78.4	0.0	0.0	85.0	90.0	17.5	10.0	92.5	78.8
	Location Averages		64.3	93.5	76.8	64.6	82.8	2.1	30.3	90.5	91.9	50.2	9.2	95.4	84.5
	LSD (0.05)		20.9	ns*	24.8	15.5	10.6	7.0	17.0	12.4	ns*	47.5	ns*	ns*	ns*
	CV(%)		15.7	5.6	14.7	10.9	5.8	149.1	23.6	6.3	9.4	42.9	100.5	14.8	10

@ Estimated value.
*ns: Not significant.

Exhibit B.
Statement of Distinctness
SS 76-40 Oat.

SS 76-40 oat is uniquely different from all known cultivars. In comparison to oat cultivars with which it has been evaluated, SS 76-40 is most similar to Rodgers (PI 593020) in heading date (Tables 1-4, and 6). However, SS 76-40 has a shorter plant stature (Table 9).

Table 9. Two trials for comparison of plant height evaluated at Kinston NC during the 2000-01 and 2001-02 seasons. Analyses on normally distributed data using the Proc GLM proceedure of the SAS sofware

Kinston Uniform Oat Nursery, 2000-01.				
	Plant		Trial	Comparison
Variety	Height	Range	Plant No.	Plant No.
	cm			
SS 76-40	99	97-102	>1000	> 30
Rodgers	111	109-114	>1000	> 30
LSD (0.05)	8			

Kinston Oat Advanced Test 2001-02.				
	Plant		Trial	Comparison
Variety	Height	Range	Plant No.	Plant No.
	cm			
SS 76-40	99	97-102	>1000	> 30
Rodgers	109	107-112	>1000	> 30
LSD (0.05)	8			

REPRODUCE LOCALLY. Include form number and date on all reproductions. Form Approved OMB NO 0581-0055

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

Exhibit C

OBJECTIVE DESCRIPTION OF VARIETY
Oat (*Avena* spp.)

MAH 7/06/06

NAME OF APPLICANT(S)	TEMPORARY OR EXPERIMENTAL DESIGNATION	VARIETY NAME
~~N.C.~~ North Carolina Agricultural Research Service	NC97-8885	SS 76-40

ADDRESS (Street and No. or RD No., City, State, Zip Code, and Country)
Box 7643, Patterson Hall
N.C. State University
Raleigh, NC 27695-7643

FOR OFFICIAL USE ONLY
PVPO NUMBER
20050327

Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in the first box (i.e. [0][8][9] or [0][9]) when the number is either 99 or less or 9 or less.

1. SPECIES:

[1] 1 = *Sativa* 2 = *Byzantina* 3 = Other (Specify) _____

2. GROWTH HABIT:

[1] 1 = Winter 2 = Semi-Winter 3 = Spring

[2] Juvenile Growth: 1 = Prostrate 2 = Semi-Prostrate 3 = Erect

3. MATURITY: (50% Flowering)

[1][1][2] Number of days

[0][5] No. Days Earlier Than * Harrison (Table 4)

Same as Check * Rodgers

[ ][ ] No. of Days Later Than * None

[4] Season:

1 = Very Early (Jaycee) 2 = Early (Nodaway 70) 3 = Midseason (Clintford)
4 = Late (Lodi) 5 = Very Late (Gerry) 6 = Extremely Late (Mackinaw)

4. PLANT HEIGHT: (From Soil Level to Top of Head)

[1][1][0] cm Tall

[1][1] cm Shorter Than * Rodgers

Same as Check * None

[ ][ ] cm Taller Than * None

* Relative to a Commercial Variety Grown in the Same Trial

17

5. STEM:

[3] Diameter: 1 = Fine (Kherson) 2 = Medium (Clintford) 3 = Coarse (Nodaway 70)

[1] Hairiness at Upper Culm Nodes: 1 = Hairless 2 = Hairy

[1] Mature Stem Color 1 = Yellow 2 = Reddish

6. LEAF: (Leaf Color: The Royal Horticultural Society's or any recognized color chart should be used to determine the leaf color of the described variety.)

[1] Carriage: 1 = Drooping (Random) 2 = Erect (Walken)

[1] Color: 1 = Yellow Green 2 = Light Green 3 = Dark Green 4 = Blue Green

[1 5] mm Width (First leaf below flag leaf) [1] Leaf Margin: 1 = Glabrous 2 = Ciliate

[2] Ligule: 1 = Absent 2 = Present [1] Leaf Sheath: 1 = Hairless 2 = Hairy

7. HEAD:

[1] Panicle Shape: 1 = Equilateral 2 = Intermediate 3 = Side Panicle (Unilateral)

[1] Attachment of Lower Whorl of Branches: 1 = First Node 2 = Second Node (False Node)

[2] Panicle Size: 1 = Samll (Yancey) 2 = Medium (Walken) 3 = Large (Markton)

[2] Panicle Width: 1 = Narrow (Gopher) 2 = Midbroad (Yancy) 3 = Broad (Nodaway 70)

[1 9] cm Panicle Length [1 7] Number of Branches [0 5] Number of Whorls of Branches

[2] Position of Branches: 1 = Ascending (Yancey) 2 = Spreading (Cayuse) 3 = Drooping (Markton) 4 = Pectinate (White Tarter) 5 = Confused (Storm King

8. RACHIS:

[2] 1 = Recurved (Yancey) 2 = Erect (Walken) [2.0] mm Second Floret Rachilla Segment Length

[1] Second Floret Rachilla Segment: 1 = Hairless 2 = Hairy [ ] Rachilla Hairs: 1 = Short 2 = Long

9. SPIKELET:

[2] Spikelet Separation by: 1 = Abscission 2 = Semi-Abscission 3 = Fracture

[1] Floret Separation by: 1= Disarticulation 2 = Heterofracture 3 = Basifracture

[2.0] Florets per Spikelet (Mean no.)

10. GLUMES: (Glume Color: The Royal Horticultural Society's or any recognized color chart should be used to determine the leaf color of the described variety.)

[0 6] mm Width [2 0] mm Length [0 8] No. of Veins on Glumes [2] Color: 1 = White 2 = Yellow 3 = Red 4 = Striped RHS Yellow-White Group ~~15~~ 158A

7/06/06

11. LEMMA: (Lemma Color: The Royal Horticultural Society's or any recognized color chart should be used to determine the leaf color of the described variety.)

[1 5] mm Length [2] Color: 1 = White 2 = Yellow 3 = Red 4 = Gray 5 = Black

[1] Hairiness of Dorsal Surface: 1 = Hairless 2 = Hairy RHS Greyed-Yellow Group 161B

12. AWN: (First Floret)

[1] Occurrence: 1 = Absent (Walken) 2 = Infrequent (Yancey) 3 = Common (Chilocco) 4 = Frequent (Random)

[ ] Type: 1 = Non-twisted 2 = Twisted 3 = Twisted Geniculate

[ ] mm Awn Length

18

13. SEED:

[2] [1] Florescence Under Ultraviolet Light: 1 = Florescent 2 = Non-florescent

[1] Basal Hair: 1 = Absent (Florida 501) 2 = Absent to Few (Yancey) 3 = Few to Several (Lee) 4 = Several to Numerous (Florilee) 5 = Numerous (Red Rustproof)

[ ].[ ] mm Basal Hair Length

[2][8].[4] gms per 1000 Seeds

[2][1] mg Groat Weight (Each)

[1][9].[1] % Groat Protein

[ ][ ].[ ] % Groat Oil

14. INSECTS: (0 = Not Tested 1 = Susceptible 2 = Resistant)

[1] Cereal Leaf Beetle [0] Bluegrass Billbug [0] Grain Bug (C. Sayi) [0] Nematode (Type)

[0] Green Bug (Biotype) _____ [ ] Other (Specify) _____

15. DISEASE: (0 = Not Tested 1 = Susceptible 2 = Resistant)

[0] Halo Blight [0] Powdery Mildew [0] Septoria Leaf Blotch [0] Soil-Borne Mosaic

[0] Helminthosporium Leaf Blotch [1] Yellow Dwarf Virus [0] Victoria Blight [ ] Other (Specify) _____

Specify Races Tested:

	Races Susceptible	Races Resistant
[1] Crown Rust	Complex in SE USA	Not Tested
[0] Stem Rust		
[0] Covered Smut		
[0] Loose Smut		

16. INDICATE THE VARIETY YOU BELIEVE MOST CLOSELY TO RESEMBLE THAT SUBMITTED:

CHARACTER	VARIETY	CHARACTER	VARIETY
Plant Tillering	RODGERS	Leaf Color	Rodgers
Leaf Size	Rodgers	Leaf Carriage	Rodgers
Seed Color	Brooks	Seed Shape	Rodgers

COMMENTS:

REPRODUCE LOCALLY. Include form number and edition date on all reproductions. FORM APPROVED - OMB No. 0581-0055

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

Application is required in order to determine if a plant variety protection certificate is to be issued *(7 U.S.C. 2421)*. The information is held confidential until the certificate is issued *(7 U.S.C. 2426)*.

MAH 7/06/06

1. NAME OF APPLICANT(S)	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER	3. VARIETY NAME
North Carolina ~~N.C.~~ Agricultural Research Service	NC97-8885	SS 76-40
4. ADDRESS *(Street and No., or R.F.D. No., City, State, and ZIP, and Country)*	**5. TELEPHONE** *(Include area code)*	**6. FAX** *(Include area code)*
Box 7643, Patterson Hall, N. C. State University Raleigh, NC 27695-7643	(919) 515-2718	(919) 515-7745
	7. PVPO NUMBER 200500327	

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. **If no, please explain.** ☑ **YES** ☐ **NO**

9. Is the applicant (individual or company) a U.S. national or a U.S. based company? **If no, give name of country.** ☑ **YES** ☐ **NO**

10. Is the applicant the original owner? ☑ **YES** ☐ **NO** **If no, please answer one of the following:**

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?
☐ **YES** ☐ **NO** **If no, give name of country**

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?
☐ **YES** ☐ **NO** **If no, give name of country**

11. Additional explanation on ownership *(Trace ownership from original breeder to current owner. Use the reverse for extra space if needed)*:

Marketing rights, only, have been exclusively licensed to Southern States Cooperative, Richmond, VA.

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.

2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.

3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.